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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,618	10/24/2003	Bruce Williams	061270-0877	7223
22428	7590	08/09/2005	EXAMINER GARRETT, ERIKA P	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			ART UNIT 3636	PAPER NUMBER

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,618

Applicant(s)

WILLIAMS ET AL.

Examiner

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed on 6/30/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21, 23-26, 64, 66-71, 73 and 74 is/are pending in the application.
- 4a) Of the above claim(s) 22, 59, 63, 65 and 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23-26, 64, 66-71, 73 and 74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The amendment filed 6/30/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "the majority of the cavity and minority of the cavity".

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Objections***

Claims 21,23-26, 64, 66-71 and 73-74 are objected to because of the following informalities: The minority and majority of the cavity is not disclosed in the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21,23-26,64,66-71 and 73-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21,23-24,26,64,66-68,70-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (4,852,941). Jones disclose the use of a child seat (figure 8) for seating a child within a vehicle, comprising a seat portion (figure 7) including a base having a seating surface; and an object holder (84) including a cavity for receiving and holding an object and a sidewall to define the cavity; wherein the object holder is attached to the base such that the object holder is movable between an extended, in use position and a fully retracted, storage position; wherein when the object holder is in fully retracted, storage position, the object holder can be retracted no further into the base, a majority of the cavity is a minority of the cavity is not under the seating surface, and a portion of the sidewall that defines the minority of the cavity is accessible in order to provide a handgrip for use in moving the object holder to the extended, in use position, see figures7-8. In regards to claims 23 and 67, wherein the object holder includes an extension slidably connected to the base and positioned under the seating surface (figure 7). In regards to claims 24 and 68, wherein the extension includes a slot (12a,see figure 4), and the base includes a post (98a) positioned in the slot to limit a sliding motion of the object holder. In regards to claims 26 and 70, wherein the object

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holder is configured so that when the object holder is moved to the retracted, storage position, a portion of the object holder remains accessible, thereby providing a gripping surface, see figure 7. In regards to claim 64, a base (4) having a seating surface; and an object holder (84) including a cavity for receiving and holding an object; wherein the object holder is attached to the base such that the object holder is moveable in and out of the base between an extended, in use position and a fully retracted, storage position; wherein the object holder is in the fully retracted, storage position, the object holder can be retracted no further into the base, and only a portion of the object holder is within the base, such that a first portion of the cavity remains extended from the base and a second portion of the cavity is retracted within the base, see figures 7-8. In regards to claim 66, wherein the object holder is slidably attached to the base. In regards to claim 71, wherein the cavity is at a distal end of the extension. In regards to claims 73-74, wherein the child seat is configured for placement on a seat of the vehicle and wherein the seat has a belt path configured to receive and located relative to the child a lapbelt of restraint system of the vehicle.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Salas (6,644,523). Jones shows the use of all the claimed invention but fails to show the use of a second object holder. Salas teaches the use of a second object holder (28,30). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the seat with a second object holder as taught by Salas, in order to hold more than one object.

### ***Response to Arguments***

Applicant's arguments with respect to claims 21,23-26,64,66-71 and 73-74 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Friday 9:00-5:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG   
August 1, 2005

  
**PETER R. BROWN**  
**PRIMARY EXAMINER**